CWP No.1404 of 2007

10.9. 2007 Present : Mr.M.C.Verma, counsel for the petitioner.
Mr.M.S.Chandel, A.G. with Mr.A.Burathoki, Dy.A.G.
for respondents 1 to 3.

This writ petition is directed against the order of the H.P.State Administrative Tribunal dated 30.7.2007 passed in O.A. No.1731 of 2002.

The dispute in the present case revolves around the appointment of a part time water carrier in Government Primary School, Jakhrota. The petitioner herein was selected as part time water carrier. This selection was challenged by respondent No.5 herein before the learned Tribunal by filing the aforesaid O.A. The main allegation in the O.A. was that the Selection Committee had wrongly awarded five marks to the present petitioner on account of the land being donated for the school by her family members.

The petitioner herein set up a case that her father-in-law had donated land in the year 1999 for the play ground of the school and that the Patwari had issued a certificate (Annexure P-4) on 28.6.2002 in which he had certified that the land had been donated for the school by Sh.Jagat Ram, father-in-law of the present petitioner.

We have perused the certificate. It does not give any detail such as number of the land donated. It also does not show the area of the land donated. Further more, the learned Tribunal has relied

upon the certificate dated 11th July, 2002 issued by the same Patwari to the effect that the school is situated on the land donated by Dina Nath. He had in this certificate clearly stated that field No.61 of Jagat Ram, father-in-law of the petitioner does not come under the school building. He has admitted that the certificate dated 28.6.2002 issued to Kaushalya Devi is totally wrong. The Patwari himself has withdrawn the certificate which is the main plank of the argument of the petitioner. Further, Jagat Ram executed a gift deed on 20th July, 2002 as is apparent from the documents filed by the petitioner herself before the Tribunal. This gift deed was executed after the interview was held. The learned Tribunal was right in holding that the petitioner is not entitled to five marks on the ground of the donation of the land. There is no merit in the writ petition which is dismissed.

In view of the dismissal of the writ petition, CMP No.2283 of 2007 is also dismissed.

(Deepak Gupta),
Judge

Sept. 10, 2007 **(V.K. Ahuja)**
PV **Judge.**